

3. Different field of search[.]

Contrary to the guidelines mandated by the MPEP, the present invention involves a combination of at least one agrochemically active compound having cationic functional groups with an anionic polymer, with the formation of electrostatic interactions between these two components. The utility of all the combinations is based on a single inventive concept. Thus, restriction is not appropriate.

Additionally, the Examiner's attention is further respectfully invited to review the text of MPEP §803, which in part states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions (emphasis added).

Thus, requirement for restriction ignores the chemical interrelationship of the claimed combinations. Examination of any of these combinations mandates consideration of the patentable elements in all of them.

Enforcing the present restriction requirement would result in inefficiencies and unnecessary expenditures by both the Applicants and the PTO, as well as extreme prejudice to Applicants (particularly in view of GATT, a shortened patent term may result in any divisional applications filed). Restriction has not been shown to be proper, especially since the requisite showing of serious burden has not been made in the Office Action and there are relationships between all of the claimed combinations. Indeed, the search and examination of each combination is likely to be co-extensive and, in any event, would involve such interrelated art that the search and examination of the entire application can be made without undue burden on the Examiner. All of the preceding, therefore, mitigates against restriction.

In view of the above, reconsideration and withdrawal of the Requirement for Restriction are requested, and an early action on the merits earnestly solicited.

It is believed that no fee is required by reason of the instant submission. However, if any fee is required, or if any overpayment has been made, please charge or credit Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG, LLP  
Attorneys for Applicants

By:

Marilyn Matthes Brogan

Marilyn Matthes Brogan  
Reg. No. 31,223  
745 Fifth Avenue  
New York, New York 10151  
(212) 588-0800

APPENDIX— VERSION WITH MARKINGS TO SHOW CHANGES MADE

New claims 23 and 24 have been added as follows:

23. A combination comprising glufosinate and lignin sulfonate, wherein there is the formation of electrostatic interactions between these two components.
24. A method for supressing antagonistic interactions during the application of agrochemically active compounds for controlling harmful plants, which process comprises applying the combination as claimed in claim 23 to the harmful plant.